IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

WP(C).No. 1283 of 2007(C)

AGAINST THE ORDER IN IA 3823/2006 IN
OS.812/2006 of MUNSIFF COURT,CHAVAKKAD

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PETITIONERS:

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1. SHIVARAMAN, S/O. UNNIMAYAMMA,
VADAKKEKALATHIL HOUSE, KADAVALLUR VILLAGE,
DESOM, THALAPPILLY TALUK.

2. ABUBACKER, S/O. CHERIYAKUTTY @ ENU,
KANDAMKULANGARA HOUSE, OTHALOORU AMSOM,
DESOM, PONNANI TALUK.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENT:

ABUBACKER, S/O. MAIMUNNY,
MADAPPATTUPARAMBIL, KARIKKAD VILLAGE,
DESOM, THALAPPILLY TALUK.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C)NO.1283 OF 2007

DATED THIS THE 11th DAY OF JANUARY, 2007

JUDGMENT

Petitioners are defendants 3 and 4 in O.S.812/06. Respondent is the plaintiff. An order of temporary injunction was passed against petitioners in I.A.3823/06 on 8.11.06. According to petitioners, while passing Ext.P1 order, learned Munsiff did not consider an earlier order of temporary injunction passed in O.S.7675/05. Petitioners filed I.A.3823/06 to vacate the order of temporary injunction and though the injunction application was advanced and posted for different days during November and December, the application is not disposed. It is submitted that the petition now stands posted to 16.1.07. This petition is filed under Article 227 of Constitution of India for a direction to learned Munsiff to dispose of I.A.3823/06 in O.S.812/06 on 16.1.07.

2. When an exparte order of temporary injunction was granted, Order XXXIX Rule 3A of Code of Civil Procedure mandates that the Court shall make an endeavour to finally dispose of the application within thirty days from the date on which the order of injunction was granted. In spite of the attempt made by petitioners to get a final order passed, learned Munsiff has not passed any order.

Munisff, Chavakkad is therefore directed to pass final order in I.A.3823/06, after hearing both the parties, without further delay and at any rate within three weeks from the date of receipt of copy of this judgment.

M.SASIDHARAN NAMBIAR,JUDGE

Acd